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June 19, 2000

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OFFICE OF THE SECRETARY

Magalie Roman Salas, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

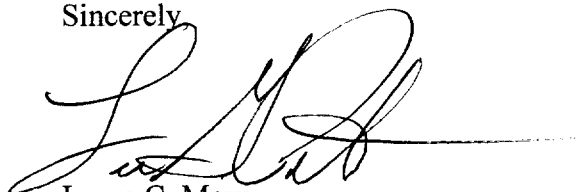
**Re: Comments of LMA Systems, Inc.
Initial Filing Window for Two-Way Multipoint Distribution Service and
Instructional Television Fixed Service
DA 00-1256**

Dear Ms. Salas:

Transmitted herewith, on behalf of LMA Systems, Inc., is an original and four (4) copies of its Comments in the above-referenced proceeding.

Should there be any questions, please contact undersigned counsel.

Sincerely



Laura C. Mow
Lee G. Petro

Enclosures

cc: David Roberts, Video Services Division,
Suite 2-A728

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List A B C D E

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
INITIAL FILING WINDOW FOR)
TWO-WAY MULTIPOINT DISTRIBUTION)
SERVICE AND INSTRUCTIONAL)
TELEVISION FIXED SERVICE)

DA 00-1256

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JUN 19 2000
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

TO: CHIEF, VIDEO SERVICES DIVISION

**COMMENTS OF
LMA SYSTEMS, INC.**

LMA Systems, Inc. ("LMA"), by its counsel and pursuant to Public Notice, DA 00-1256 (rel. June 12, 2000), hereby submits its comments on the Petitions of ITFS 2020, Inc. ("ITFS 2020") and the Association of Federal Communications Consulting Engineers ("AFCCE"), each seeking a postponement of the initial application two-way filing window for two-way MDS and ITFS applications. That window -- currently scheduled for July 3 through July 10, 2000 -- for the first time permits the filing of applications for two-way operations, including filings for high-power signal booster stations, response station hubs, I channel(s) point-to-multipoint transmission licenses, and ITFS major modification applications.¹

For the reasons below, LMA supports a postponement of the filing window.

I.

DISCUSSION

ITFS 2020 and AFCCE each seek a delay of the filing window of 9 months and 130 days, respectively. The fundamental bases for each petition are essentially the same: (1) the

¹ See Public Notice, DA 00-666 (rel. March 23, 2000).

overwhelming difficulties in obtaining accurate software to prepare the engineering reports; and (2) the lack of correct, complete and accessible license information regarding incumbent ITFS and MDS operators.

LMA is actively engaged in pursuing two-way operations in multiple markets throughout the United States. It has experienced first hand the problems cited in the Petitions in preparing for the two-way filing window.² In light of these difficulties, and given the fact that the licensees are required to certify compliance with all applicable FCC rules and regulations based on the engineering reports contained in the applications, LMA believes that a delay of the filing window is essential to enable applicants to prepare complete and accurate two-way applications that adequately account for potential interference.

A. The Engineering Software Is Not Sufficiently Perfected To Enable Applicants To File During A July Filing Window.

As discussed in the ITFS 2020 and AFCCE petitions, and in the Declaration attached hereto, there are only two companies that have prepared engineering software to prepare two-way wireless service applications. However, neither of these companies have finalized their software, and substantial training on the software for engineers is mandatory for its proper use.

In addition, despite the recent creation of the FCC's BLS Public Access on-line database, access to specific information relating to incumbent ITFS and MDS licensees is next to impossible. Since the BLS Public Access database does not include up-to-date engineering information for most, if not all, stations, it has been reported that engineers have been forced to spend countless hours in time and effort to extract the necessary information from the Commission's paper files.

² See Declaration of Robert Gehman, Jr., P.E., attached hereto as Exhibit A.

In light of these circumstances, it is clear that the MDS/ITFS community can not be required to certify compliance with the Commission's rules in filing two-way applications during the Filing Window as scheduled. AFCCE believes that the engineering firms will be able to finalize any unresolved matters and prepare applications if the Filing Window is delayed for 130 days, and LMA Systems supports such an extension.

If the Commission does not postpone the Filing Window, it runs a real risk of substantial delays during the public comment period. Without the ability to make accurate interference measurements at this time, many applications will be subject to Petitions to Deny filed by affected parties. Such filings will cause substantial administrative delay. Further, if the Commission does not postpone the Filing Window, and a party chooses to wait until it has a good faith belief in its certifications made on the FCC Form 331, the applicant runs the risk of being precluded from offering two-way service by an earlier-filed application which may, or may not, comply with all applicable rules.

B. The FCC Has Granted Filing Window Extensions For Similar Reasons In The Past.

The Commission frequently grants extensions to filing deadlines based on engineering difficulties. For example, the Mass Media Bureau specifically granted four extensions relating to the filing deadline in the Low Power FM proceeding. *See* DA 99-542 (March 19, 1999), FCC 99-112 (May 12, 1999), FCC 99-233 (August 31, 1999), and FCC 99-254 (September 17, 1999). Moreover, the Commission granted numerous extension of the filing deadlines in the Digital Television proceeding, based on difficulties in preparing accurate engineering information. *See* DA 95-2137 (Oct. 11, 1995), DA 96-8 (Jan. 11, 1996), DA 96-1929 (Nov. 20, 1996). Similar grounds exist for a postponement of the two-way filing window.

II.

CONCLUSION

Clearly, the Filing Window must be postponed. The engineering community, which has the most experience in this matter, has stated that they are not capable of preparing fully-compliant applications by July 10, 2000. Further, the engineers require additional time to properly review the Commission's files for accurate information regarding incumbent licensees. Finally, by failing to delay the Filing Window, there is a strong possibility that inequities will result precluding cautious applicants from taking advantage of the two-way service opportunities.

Therefore, LMA Systems, Inc. respectfully requests that the Commission postpone the Filing Window for a period of 130 days.

Respectfully submitted,

LMA SYSTEMS, INC.

By: 

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Its Attorneys

June 19, 2000

DC01/336385.1

EXHIBIT ONE

Declaration of Robert Gehman, Jr., P.E.

DECLARATION OF ROBERT GEHMAN, JR., P. E.

I, Robert Gehman, Jr., hereby declare as follows:

1. I am over 18 years of age and competent to make this declaration.
2. I am a professional engineer registered in the states of Florida, Maryland, and Mississippi. I am president of Kessler and Gehman Associates, Inc., telecommunications consulting engineers. My qualifications are a matter of record with the Federal Communications Commission having been presented on numerous occasions during the past 30 years. Kessler and Gehman Associates has provided engineering services to applicants for, and licensees of, stations in the Instructional Television Fixed Service ("ITFS") and in the Multipoint Distribution Service ("MDS") since 1967.
3. Kessler and Gehman Associates has been retained by LMA Systems, Inc., to assist in the preparation of applications for two-way licenses in the ITFS and MDS services.
4. A reasonable delay in the FCC MDS/ITFS two-way Filing Window best serves the interest of MDS and ITFS licensees for the reasons described below. The FCC announced the opening of the Initial Filing Window for two-way on March 23, 2000. This represents an advance notice of about 110 days for the design of two-way systems to protect incumbent stations and for the preparation of applications meeting some of the most stringent filing requirements of my 35 years in dealing with the FCC. The software required to design the stations and generate the data file required for the application was not ready until the first week of June resulting in an effective reduction of the FCC announcement of the Initial Filing Window to only about 30 days.
5. There is insufficient time to become proficient in the use of the software, to conduct reasonable two-way designs, and also prepare certifiable applications by the filing

deadline. The final FCC Methodology¹ was not issued until the end of April 2000. As a result, stable engineering software has only been available since the first week in June of this year, leaving only 30 days until the window opening. The software was available for purchase in May, however, repeated software updates have hampered its use and caused much of the initial work to be rerun. Some revisions caused complete software failures due to interoperability issues with other modules of the program. For example, updates of CelPlan's² CelFCC module became incompatible with the existing operating version of the CelPlaner program until a new compatible version of CelPlaner was delivered and loaded resulting in lost time.

6. No documentation manuals or help screens are available for the CelFCC MDS/ITFS two-way module. This has significantly lengthened the learning curve timeframe to effectively operate the tool. We have recently learned documentation may not be available until December of this year, well after the current July Filing Window. Therefore, the only option available to us to resolve software problems is primarily through e-mail and some telephone correspondence within CelPlan's availability. Answers are not always clear and crisp, often resulting in more questions than answers further exacerbating the problem. Some questions have not been answered for several hours adding to the slow learning and problem resolution process.
7. We have attended all training classes available to learn how to operate this very complex software program. Nevertheless, operation of the software has been difficult at best due to the large number of variables that can be entered that can alter the results. The three-day training seminar provided a general overview of the software, but it was not sufficient to begin actual design work. Little time was spent explaining the intricacies of the many settings that have the possibility of generating erroneous

¹ "Methods for Predicting Interference from Response Station Transmitters and to Response Station Hubs and for Supplying Data on Response Station Systems", Version 1.29 dated April 21, 2000, also known as "Appendix D".

² CelPlan Technologies, Inc. and EDX, Inc. are the only known producers of computer programs commercially available to meet the design and filing requirements of the FCC's Appendix D.

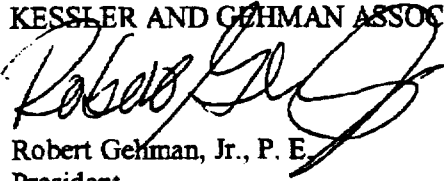
results. Neither was any time taken to explain the interrelationships between the many input and output files.

8. Old data from previous studies is not always overwritten by new data during the iterative analysis process of preparing an application. Therefore, confidence is lost on the results unless the old file is cleared before new data is entered. This also slows the market development process.
9. We were notified that the June 2, 2000 revision would be the last until the end of the filing window. The June 2 revision resulted in lines being displayed randomly on the screen when a particular software function was invoked, so some software problems were still present after the June 2 freeze. The revision to correct the problem arrived four days later. During that time we had no choice but to proceed with caution and question all results produced by the tool, wondering what, if anything was correct.
10. No module currently exists to load an Appendix D file from another operator's study. Therefore, we must either cut and paste or key-in entries into our database for confirmation assessment. This will result in many additional hours to evaluate the affects of a two-way filing in an adjacent market.
11. The design process is basically one of try-and-revise. It is difficult to forecast the locations and degree of interference from hundreds of response stations to thousands of study point in an incumbent's protected service area. Reasonably small studies with limited frequencies to analyze generally take a few hours to run. Some seem to work and others are questionable. If we study several or all frequencies in a market at one time, the run time will increase accordingly to perhaps more than a day. If errors occur, all that time is lost and another study must be conducted once the errors are resolved. Until confidence is achieved through routine accurate results, too much precious time is at risk to try lengthy complex analyses.
12. With limited experience with the software, two weeks at best in spite of numerous problems, there is no intuitive ability to question the accuracy of the study results. Therefore, some manual confirmation of the results should be performed to develop

confidence in the accuracy of the end product. We have not yet achieved confidence in simple tasks. Therefore, how can we have confidence in more complex projects?

I declare under penalty of perjury that the above statements are true and correct to the best of my knowledge and belief.

KESSLER AND GEHMAN ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read "Robert Gehman, Jr.", written over the printed name.

Robert Gehman, Jr., P. E.
President

Date: June 15, 2000
DC01/336427.1